

Report on Public Policy Position

Name of section:

Children's Law Section

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Bill number:

HB 5174 (Segal) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends sec. 1, ch. XIA of 1939 PA 288 (MCL 712A.1) & adds secs. 18n, 18o, 18p, 18q & 18r to ch. XIA.

HB 5175 (Schuitmaker) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding secs. 1060, 1060a, 1060b, 1062, 1064, 1066, 1068 & 1070.

HB 5482 (Liss) Mental health; forensic; restoration of juvenile to competency to proceed; clarify. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding secs. 1060c & 1072.

HB 5483 (Kowall) Juveniles; criminal procedure; restoration of juvenile to competency to proceed; clarify. Amends sec. 1, ch. XIA of 1939 PA 288 (MCL 712A.1) & adds sec. 18s.

HB 5484 (Segal) Juveniles; criminal procedure; certain statements made during juvenile competency evaluation; clarify. Amends 1939 PA 288 (MCL 710.21 - 712A.32) by adding sec. 18r to ch. XIA.

HB 5485 (Lipton) Juveniles; criminal procedure; juvenile competency definitions; clarify. Amends sec. 1, ch. XIA of 1939 PA 288 (MCL 712A.1).

HB 5486 (Crawford) Juveniles; criminal procedure; juvenile competency hearing; require. Amends 1939 PA 288 (MCL 710.21 - 712A.32) by adding sec. 18q to ch. XIA.

HB 5487 (Byrnes) Juveniles; criminal procedure; juvenile competency and evaluation; clarify. Amends 1939 PA 288 (MCL 710.21 - 712A.32) by adding sec. 18n to ch. XIA.

HB 5488 (Bauer) Juveniles; criminal procedure; juvenile competency evaluation; require use of a qualified examiner. Amends 1939 PA 288 (MCL 710.21 - 712A.32) by adding sec. 18o to ch. XIA.

HB 5489 (Haase) Juveniles; criminal procedure; juvenile competency evaluation and report; clarify. Amends 1939 PA 288 (MCL 710.21 - 712A.32) by adding sec. 18p to ch. XIA.

Date position was adopted:

December 17, 2009

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

17 Voted for position

0 Voted against position

Position:

See Below

Explanation of the position, including any recommended amendments:

The Section voted to oppose HB 5175 with Current Sec. 1066, requiring juvenile's attorney to submit records and documents, and also to oppose language in Sec. 1070 (4) that allows a juvenile to give written consent to use a statement during a competency evaluation for "any purpose"

Further, the Section opposes the current language in HB 5485 and HB 5175 stating that a qualified examiner must be a "mental health professional". The Section feels a qualified examiner should be a psychiatrist or a psychologist.

The Section opposes the assumed age of competency at 10 years as listed in HB 5487 and feels it should be 11 years.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2009-HB-5174>

<http://legislature.mi.gov/doc.aspx?2009-HB-5175>

<http://legislature.mi.gov/doc.aspx?2009-HB-5482>

<http://legislature.mi.gov/doc.aspx?2009-HB-5483>

<http://legislature.mi.gov/doc.aspx?2009-HB-5484>

<http://legislature.mi.gov/doc.aspx?2009-HB-5485>

<http://legislature.mi.gov/doc.aspx?2009-HB-5486>

<http://legislature.mi.gov/doc.aspx?2009-HB-5487>

<http://legislature.mi.gov/doc.aspx?2009-HB-5488>

<http://legislature.mi.gov/doc.aspx?2009-HB-5489>